

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Moroney et al.

Application No.: 10/770,250

Art Unit.: 2625

Filed: February 2, 2004

Examiner: Milia, Mark R.

For: METHOD AND SYSTEM FOR REPRINTING PAGES

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellants herewith file a Brief in support of their Appeal in the above identified matter. Also being submitted is the \$540 fee under 37 C.F.R. 41.20(b)(2) for the Appeal Brief.

TABLE OF CONTENTS

Item	Page Numbers
Identification page	1
Table of contents	2
(i) Real party in interest	3
(ii) Related appeals and interferences	3
(iii) Status of claims	3
(iv) Status of amendments	3
(v) Summary of claimed subject matter	4-6
(vi) Grounds of rejection to be reviewed on appeal	7
(vii) Argument	8-12
(viii) Claims appendix	13-16
(ix) Related proceedings appendix	17
Summary	18

i. REAL PARTY IN INTEREST

The real party in interest is InfoPrint Solutions Company LLC., the employer of the inventors at the time of the invention and the assignee of the patent rights in the above-identified matter.

ii. RELATED APPEALS AND INTERFERENCES

No other appeals, interferences, or related applications are known to the Appellants, the Appellants' legal representative, or the Assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

iii. STATUS OF CLAIMS

Claims 1-5, 8-11, 13, and 15-19 stand rejected and remain in the application for consideration on appeal. Claims 6-7, 12, and 14 are cancelled and are not under consideration. The 35 U.S.C. § 103(a) rejection of claims 1-5, 8-11, 13, and 15-19 form the basis of this appeal.

iv. STATUS OF AMENDMENTS

No amendments have been filed since the final Office Action dated April 22, 2010.

v. **SUMMARY OF THE CLAIMED SUBJECT MATTER**

Claim 1 recites a method of reprinting a page of a printed document (summary). According to the method, a print job is received by a printer to generate the printed document, where each page of the printed document corresponds with a logical page in the print job (page 8, lines 1-5). A determination is made that a page of the printed document includes an error (page 10, lines 6). The print job is modified to include a new logical page (page 8, lines 1-5). A user is instructed to load the printed document into an inserter tray on the printer (page 8, lines 14-23). Each page of the printed document is processed from the inserter tray on the printer to an output tray (page 6, lines 10-23) on the printer by determining if a current page being processed includes the error. If the current page includes the error, then the current page is discarded (page 7, lines 1-10), the new logical page from the modified print file is printed to generate a new page, and the new page is sent to the output tray in place of the current page including the error (page 7, line 1-5).

Claim 2 recites additional details of claim 1, whereby the step of determining if the current page being processed includes the error further comprises a number of additional steps. According to the additional steps of claim 2, a logical page is identified in the received print job corresponding with the current page being processed. A logical page is identified in the modified print job corresponding with the identified logical page in the received print job. A determination is made if there is a difference between the identified logical pages. If there is a difference, then an indication is made that the current page includes the error (page 3, lines 13-17).

Claim 8 recites a system operable to reprint a page of a printed document (system 120, FIG. 3). The system comprises a printer operable to receive a print job and to generate the printed document based on the print job, where each page of the printed document corresponds with a logical page in the print job (page 8, lines 1-5). The system further includes a user interface (user interface 124, FIG. 2) operable to instruct the user to load the printed document into an inserter tray on the printer (page 8, lines 14-23). The printer is further operable to determine that a page of the printed document includes an error (page 10, lines 6), further operable to modify the print job to include a new logical page (page 7, line 1-5), further operable to process each page of the printed

document from the inserter tray on the printer to an output tray on the printer (page 6, lines 10-23), and further operable to determine if a current page being processed includes the error. The printer, responsive to determining that the current page includes the error, is further operable to discard the current page (page 7, lines 1-10), further operable to print the new logical page from the modified print job to generate a new page, and further operable to send the new page to the output tray in place of the current page including the error (page 7, line 1-5).

Claim 9 recites additional details of claim 8, whereby the printer is further operable to identify a logical page in the received print job corresponding with the current page being processed, further operable to identify a logical page in the modified print job corresponding with the identified logical page in the received print job, further operable to determine if there is a difference between the identified logical pages, and further operable to indicate that the current page includes the error in response to the determination that there is a difference (page 3, lines 13-17).

Claim 15 recites a computer readable medium tangibly embodying programmed instructions which, when executed by a computer system, are operable for performing a method of reprinting a page of a printed document. According to the method, a print job is received by a printer to generate the printed document, where each page of the printed document corresponds with a logical page in the print job (page 8, lines 1-5). A determination is made that a page of the printed document includes an error (page 10, lines 6). The print job is modified to include a new logical page (page 8, lines 1-5). A user is instructed to load the printed document into an inserter tray on the printer (page 8, lines 14-23). Each page of the printed document is processed from the inserter tray on the printer to an output tray (page 6, lines 10-23) on the printer by determining if a current page being processed includes the error. If the current page includes the error, then the current page is discarded (page 7, lines 1-10), the new logical page from the modified print file is printed to generate a new page, and the new page is sent to the output tray in place of the current page including the error (page 7, line 1-5).

Claim 16 recites additional details of claim 15, whereby the method step of determining if the current page being processed includes the error further comprises a number of additional steps. According to the additional steps of claim 16, a logical page

Docket No.: BLD9-2003-0008-US1

is identified in the received print job corresponding with the current page being processed. A logical page is identified in the modified print job corresponding with the identified logical page in the received print job. A determination is made if there is a difference between the identified logical pages. If there is a difference, then an indication is made that the current page includes the error (page 3, lines 13-17).

vi. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-5, 8-11, 13, and 15-19 are unpatentable over U.S. Patent Number 5,684,934 (Chen) in view of U.S. Patent Number 6,236,450 (Ogura) under 35 U.S.C. § 103(a).

vii. ARGUMENT

1. Rejection of claims 1, 3, 4, 5, 8, 10, 11, 13, 15, 17, 18, and 19 under 35 U.S.C. § 103(a).

The Examiner rejected claims 1, 3, 4, 5, 8, 10, 11, 13, 15, 17, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,684,934 (Chen) in view of U.S. Patent Number 6,236,450 (Ogura). The Appellants submit that the claims are non-obvious in view of the combination of Chen and Ogura.

Chen generally discloses printing a print job at a printer (See FIGS. 1 and 3; Abstract). As printers and print jobs are known, the Appellants will not discuss Chen in further detail in this Brief.

Ogura discloses a copier with an automatic document feeder. A document placed in a document tray is fed one sheet at a time across a document table to a discharge tray. The document table images the pages, generates copies, and sends the copies to a stacker tray. While pages are being fed from the document tray to the discharge tray, a counter keeps track of the number of pages copied. If a document being copied jams in the automatic feeder mechanism, a user is instructed to re-set the entire document on the document tray. The document pages are then sent from the document tray to the discharge tray without making copies until the counter value is again reached. When the counter value previously determined is reached, the copier again begins the copy process for the remaining pages in the document (Abstract).

The Appellants submit that a number of differences exist between claim 1 and the art cited by the Examiner. By way of example, consider that a print job is sent to a printer for printing the print job. After printing the print job, an error is discovered in the print job. The error may, for example, be a number of incorrect figures on pages 3, 6, 8, and 80 of the print job. Using the method of claim 1, the print job is then modified to correct the errors on pages 3, 6, 8, and 80 of the print job. The user is then instructed to place the previously printed copy of the print job back onto the inserter tray of the printer. As the printer processes the previously printed copy from the inserter tray to the output tray, the printer determines if the current page includes an error. In this example, pages 1 and 2 are sent to the output tray because these pages do not include errors. Page 3,

however, includes an error. The printer then re-prints page 3 from the modified print job and then send the newly printed page 3 to the output tray. The erroneous version of page 3 is discarded. This process continues for the remaining printed pages of the document. Pages 6, 8 and 80 are re-printed from the modified print job and sent to the output tray during the process. The erroneous versions of pages 6, 8, and 80 are discarded. After the printer finishes processing the printed document held in the inserter tray, the output tray holds the updated version of the printed output. In Ogura, the copier merely feeds the previously printed document to an output tray until a counter value is reached. After the counter value is reached, the remaining document subsequent to the counter value is copied and sent to the output tray.

The Appellants further submit that neither Chen nor Ogura teaches or reasonably suggests the limitation of "if the current page includes the error, then discarding the current page" as recited in claim 1. In rejecting this limitation, the Examiner suggests that Ogura discloses this limitation, and cites to Column 9, line 23 to Column 10, line 28. The Appellants disagree. In Ogura, if a document being copied jams in an automatic document feeder mechanism, a user is instructed to re-set the entire document on a document tray. The document pages are then sent from the document tray to a discharge tray without making copies of the document until a counter value is reached (indicating a current page including the error, as asserted by the Examiner). When the counter value is reached indicating the current page including the error, the copier performs a copy process on the current page and the remaining pages in the document (Abstract). Ogura does not "discard the current page" when the counter value is reached. Instead, Ogura makes a copy of the page and any subsequent pages in the document.

The Appellants find the combination suggested by the Examiner confusing. Chen discloses printers and print jobs. Ogura discloses that when an error page is encountered, that the error page and subsequent pages of a document are copied. Thus, the combination suggests that when an error page in a print job is encountered, that the error page of the print job and the subsequent pages of the print job are printed. Therefore, the error page is copied by the proposed combination and not discarded as recited in claim 1.

The Appellants further submit that neither Chen nor Ogura teaches or reasonably suggests the limitation of "printing the new logical page from the modified print job to

generate a new page" as recited in claim 1. In rejecting this limitation, the Examiner suggests that Ogura discloses this limitation, and cites to Column 9, line 23 to Column 10, line 28. The Appellants disagree. When the counter value is reached indicating the current page including the error, the copier performs a copy process for the current page and the remaining pages in the document (Abstract). Ogura does not "print the new logical page from the modified print job to generate a new page" when the counter value is reached. Instead, Ogura makes a copy of the page.

Again, the Appellants find the combination suggested by the Examiner confusing. Chen discloses printers and print jobs. Ogura discloses that when an error page of the original document is encountered, that the error page and subsequent pages of a document are copied. Thus, the combination suggests that when an error page in an original print job is encountered, that the error page of the original print job is printed. This does not operate to print a new version of the error page as discussed above for claim 1.

The Appellants further submit that neither Chen nor Ogura teaches or reasonably suggests the limitation of "sending the new page to the output tray in place of the current page including the error" as recited in claim 1. In rejecting this limitation, the Examiner suggests that Ogura discloses this limitation, and cites to Column 9, line 23 to Column 10, line 28. The Appellants disagree. When the counter value is reached indicating the current page including the error, the copier performs a copy process for the current page and the remaining pages in the document (Abstract). Ogura does not "send the new page to the output tray in place of the current page including the error" when the counter value is reached. Instead, Ogura makes a copy of the page. The Applicants therefore submit that claim 1 is non-obvious for at least the reasons provided. Similar arguments apply for independent claims 8 and 15. Dependent claims 3, 4, 5, 10, 11, 13, 17, 18, and 19 are non-obvious for at least depending on their corresponding base claims.

2. Rejection of claims 2, 9, and 16 under 35 U.S.C. § 103(a).

The Examiner rejected claims 2, 9, and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,684,934 (Chen) in view of U.S. Patent Number

6,236,450 (Ogura). The Appellants submit that the claims are non-obvious in view of the combination of Chen and Ogura.

The Appellants submit that neither Chen nor Ogura teaches or reasonably suggests the limitation of "identifying a logical page in the received print job corresponding with the current page being processed" as recited in claim 2. In rejecting this limitation, the Examiner suggests that Ogura discloses this limitation, and cites to Column 9, line 23 to Column 10, line 28. The Appellants disagree. As discussed above, the copier in Ogura does not receive print jobs, nor does Ogura disclose any operability concerning identifying logical pages within print jobs. In Ogura, identifying a current page is performed by a simple page counter. Ogura does not disclose, for example, that the counter is used to identify any electronic page corresponding to the printed page being processed.

The Appellants further submit that neither Chen nor Ogura teaches or reasonably suggests the limitation of "identifying a logical page in the modified print job corresponding with the identified logical page in the received print job" as recited in claim 2. In rejecting this limitation, the Examiner suggests that Ogura discloses this limitation, and again cites to Column 9, line 23 to Column 10, line 28. The Appellants disagree. In a lacking similar to identifying logical pages in a print job, the Appellants submit that Ogura is additionally silent regarding identifying logical pages in a modified print job. For example, the copier in Ogura does not receive a print job and a modified print job, and perform any form of correlation between the two to identify logical pages.

The Appellants further submit that neither Chen nor Ogura teaches or reasonably suggests the limitation of "determining if there is a difference between the identified logical pages" as recited in claim 2. In rejecting this limitation, the Examiner suggests that Ogura discloses this limitation, and cites to Column 9, line 23 to Column 10, line 28. The Appellants disagree. In Ogura, the copier does not determine any differences between pages. Instead, Ogura uses a counter corresponding with a page count of the previously printed document to locate the beginning of a copy process.

The Appellants further submit that neither Chen nor Ogura teach or suggest the limitation of "indicating that the current page includes the error in response to determining that there is a difference" as recited in claim 2. In rejecting this limitation,

the Examiner suggests that Ogura discloses this limitation, and cites to Column 9, line 23 to Column 10, line 28. The Appellants disagree. In Ogura, the copier utilizes a page counter to identify a location within the printed document of the previous paper jam. When the page counter reaches the value of the previous paper jam location, then the copier begins performing a copy process on the remaining pages of the document. Because the pager counter is only operable to determine differences between page locations within the document, the Applicants submit that Ogura does not teach or suggest that the page counter is operable to determine any differences between logical pages within print jobs.

The Appellants therefore submit that claim 2 is non-obvious for at least the reasons provided. Similar arguments apply for claims 9 and 16.

viii. CLAIMS APPENDIX

1. (Previously Presented) A method of reprinting a page of a printed document, the method comprising:

receiving a print job at a printer to generate the printed document, wherein each page of the printed document corresponds with a logical page in the print job;

determining that a page of the printed document includes an error ;

modifying the print job to include a new logical page;

instructing a user to load the printed document into an inserter tray on the printer;

processing each page of the printed document from the inserter tray on the printer to an output tray on the printer by:

determining if a current page being processed includes the error; and

if the current page includes the error, then discarding the current page, printing the new logical page from the modified print job to generate a new page, and sending the new page to the output tray in place of the current page including the error.

2. (Previously Presented) The method of claim 1 wherein determining if the current page being processed includes the error further comprises:

identifying a logical page in the received print job corresponding with the current page being processed;

identifying a logical page in the modified print job corresponding with the identified logical page in the received print job;

determining if there is a difference between the identified logical pages; and

indicating that the current page includes the error in response to determining that there is a difference.

3. (Previously Presented) The method of claim 1 further comprising:

querying the user for the modified print job in response to determining that a page of the printed document includes an error.

4. (Previously Presented) The method of claim 1 further comprising:
 - determining that the error is a paper jam; and
 - notifying the user of the paper jam.
5. (Previously Presented) The method of claim 1 wherein the error includes an update to the print job after printing the print job.
- 6-7. (Cancelled)
8. (Previously Presented) A system operable to reprint a page of a printed document, the system comprising:
 - a printer operable to receive a print job, and to generate the printed document based on the print job, wherein each page of the printed document corresponds with a logical page in the print job; and
 - a user interface operable to instruct a user to load the printed document into an inserter tray on the printer,
 - wherein the printer is further operable to determine that a page of the printed document includes an error, to modify the print job to include a new logical page, to process each page of the printed document from the inserter tray on the printer to an output tray on the printer, and to determine if a current page being processed includes the error,
 - wherein the printer, responsive to determining that the current page includes the error, is further operable to discard the current page, print the new logical page from the modified print job to generate a new page, and to send the new page to the output tray in place of the current page including the error.
9. (Previously Presented) The system of claim 8 wherein the printer is further operable to identify a logical page in the received print job corresponding with the current page being processed, to identify a logical page in the modified print job corresponding with the identified logical page in the received print job, to determine if there is a difference between the identified logical pages, and to indicate that the current page includes the

error in response to the determination that there is a difference.

10. (Previously Presented) The system of claim 8 wherein the printer is further operable to query the user for the modified print job in response to the determination that a page of the printed document includes an error.

11. (Previously Presented) The system of claim 8 wherein the printer is further operable to determine that the error is a paper jam, and to notify the user of the paper jam.

12. (Cancelled).

13. (Previously Presented) The system of claim 8 wherein the error includes an update to the print job after printing the print job.

14. (Cancelled).

15. (Previously Presented) A computer readable medium tangibly embodying programmed instructions which, when executed by a computer system, are operable for performing a method of reprinting a page of a printed document, the method comprising:

receiving a print job at a printer to generate the printed document, wherein each page of the printed document corresponds with a logical page in the print job;

determining that a page of the print job includes an error;

modifying the print job to include a new logical page;

instructing a user to load the printed document into an inserter tray on the printer;

processing each page of the printed document from the inserter tray to an output tray on the printer by:

determining if a current page being processed includes the error; and

if the current page includes the error, then discarding the current page, printing the new logical page from the modified print job to generate a new page, and sending the new page to the output tray in place of the current page including the error.

16. (Previously Presented) The computer readable medium of claim 15 wherein the method step of determining if the current page being processed includes the error further comprises:

identifying a logical page in the received print job corresponding with the current page being processed;

identifying a logical page in the modified print job corresponding with the identified logical page in the received print job;

determining if there is a difference between the identified logical pages; and

indicating that the current page includes the error in response to determining that there is a difference.

17. (Previously Presented) The computer readable medium of claim 15, wherein the method further comprises:

querying the user for the modified print job in response to determining that a page of the printed document includes an error.

18. (Previously Presented) The computer readable medium of claim 15 wherein the method further comprises:

determining that the error is a paper jam; and

notifying the user of the paper jam.

19. (Previously Presented) The computer readable medium of claim 15 wherein the error includes an update to the print job after printing the print job.

ix. RELATED PROCEEDINGS APPENDIX

None.

SUMMARY

Appellants argue that the Examiner's rejections of claims 1-5, 8-11, 13, and 15-19 under 35 U.S.C. § 103(a) are inadequate as a matter of law and should be reversed.

Date: August 23, 2010

/Sean J. Varley/

SIGNATURE OF PRACTITIONER

Sean J. Varley, Reg. No. 62,397

Duft Bornsen & Fishman, LLP

Telephone: (303) 786-7687

Facsimile: (303) 786-7691

Customer No.: 50441